

104TH CONGRESS
2D SESSION

H. R. 4190

To amend title XVIII of the Social Security Act to provide for coverage of outpatient parenteral antimicrobial therapy under the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 1996

Mr. STARK introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to provide for coverage of outpatient parenteral antimicrobial therapy under the Medicare program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Medicare Coverage of
5 Infectious Diseases Therapy Act of 1996”.

1 **SEC. 2. REPORT TO CONGRESS ON COVERAGE OF OUT-**
2 **PATIENT PARENTERAL THERAPY UNDER THE**
3 **MEDICARE PROGRAM.**

4 (a) STUDY.—The Secretary of Health and Human
5 Services shall conduct a study of coverage and payment
6 for parenteral antimicrobial therapy, drugs, and services
7 under the Medicare program. Such study shall include an
8 analysis of—

9 (1) the cost of providing coverage under the
10 Medicare program for outpatient parenteral
11 antimicrobial therapy, drugs, and services;

12 (2) any savings to the Medicare program gen-
13 erated by the replacement of inpatient parenteral
14 antimicrobial therapy by such outpatient therapy,
15 drugs and services;

16 (3) whether payments under part A of the Med-
17 icare program for operating costs for inpatient hos-
18 pital services may be reduced if a Medicare bene-
19 ficiary is provided parenteral antimicrobial therapy
20 services on an outpatient basis, including an analysis
21 of payments for services under the diagnosis-related
22 groups for endocarditis, osteomyelitis, prosthetic
23 joint infections (status post prosthesis removal), and
24 liver abscess, and other relevant diagnosis-related
25 groups; and

1 (4) how payment for such outpatient therapy,
2 drugs and services should be made to ensure maxi-
3 mum cost-savings to the Medicare program.

4 (b) REPORT.—Not later than 6 months after the date
5 of the enactment of this Act, the Secretary shall submit
6 a report to the Congress on the study under subsection
7 (a) and shall include in the report such recommendations
8 with respect to coverage and payment of outpatient paren-
9 teral antimicrobial therapy, drugs, and services under the
10 Medicare program as the Secretary deems appropriate.

11 **SEC. 3. MEDICARE COVERAGE FOR OUTPATIENT PAREN-**
12 **TERAL SERVICES AND SUPPLIES.**

13 (a) IN GENERAL.—Section 1861(n) of the Social Se-
14 curity Act (42 U.S.C. 1395x(n)) is amended—

15 (1) by striking “(n)” and inserting “(n)(1)”;

16 (2) by inserting “antimicrobial as described in
17 paragraph (2),” after “beds,”; and

18 (3) by adding at the end the following:

19 “(2) The antimicrobial described in this paragraph
20 is an antimicrobial which is administered to a patient
21 parenterally, using an access device that is inserted into
22 the body, and which the Secretary has determined in the
23 study provided for in this Act to reduce costs if adminis-
24 tered on an outpatient basis. The Secretary shall have au-

1 thority to amend the coverage (and the price paid for such
2 covered items) so as to ensure cost savings.”.

3 (b) EFFECTIVE DATE.—The amendments made by
4 subsection (a) shall apply with respect to antimicrobials
5 furnished on or after January 1, 1998.

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